

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
(Southern Division)

SIOUX FALLS PIZZA COMPANY, INC., a
South Dakota Corporation f/k/a PINNACLE
PIZZA, INC., a South Dakota Corporation,

Plaintiff,

v.

LITTLE CAESAR ENTERPRISES, INC., a
Michigan Corporation,

Defendant.

Case No. Civ 11-4047-RAL

**JOINT MOTION TO DISMISS WITH PREJUDICE AND WITHOUT COSTS AS TO
COUNT III OF AMENDED COMPLAINT**

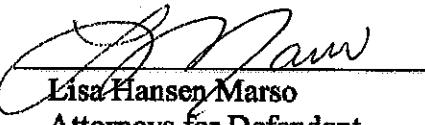
Pursuant to Fed. R. Civ. P. 41(a)(1), the parties jointly move for an Order to be entered by the Court dismissing Count III to the Amended Complaint in this action with prejudice, each party to pay its own costs and attorneys' fees. The parties further state that dismissal of Count III resolves the only pending claim in this action.

CADWELL SANFORD DEIBERT
& GARRY, LLP

By: 

Shawn Nichols
Attorneys for Plaintiff

BOYCE, GREENFIELD, PASHBY
& WELK, LLP

By: 

Lisa Hansen Marso
Attorneys for Defendant